



## CITY COUNCIL MEETING SPECIAL SESSION & BUDGET WORKSHOP

Tuesday, September 03, 2024 at 4:30 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas

### AGENDA

BE IT KNOWN that the City Council of the City of Sweeny will meet in **Special Session** on **Tuesday, September 03, 2024 at 4:30 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda. Council is conducted under modified Roberts Rules of Order as approved by Resolution 102-16; July 19, 2016. In accordance with Chapter §551 of the Texas Government Code, if required, the Council may conduct an executive session on any of the agenda items provided the City Attorney is present.

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#### CALL TO ORDER/ROLL CALL

#### PLEDGES & INVOCATION

#### CITIZENS WISHING TO ADDRESS CITY COUNCIL

*This item is available for those citizens wishing to address City Council on an issue not on the agenda. Any item discussed cannot be voted on but could be considered for placement on the agenda of the next regularly scheduled meeting. Limited to three (3) minutes.*

#### CONSENT AGENDA

*All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Mayor or a Council Member; in which event, the items will be removed from the consent agenda and considered separately.*

- [1.](#) Minutes: Special Session, August 27, 2024

#### REGULAR AGENDA

- [2.](#) Discussion and possible action on the Pecan Street Water Line Replacement Project
- [3.](#) Discussion and possible action to 1107 Estelle sewer issues; Councilman Rambo

#### EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.071, 551.072 AND 551.074

*The City Council will now convene into executive session pursuant to the provision of Chapter 551 Texas Government Code, in accordance with the authority contained therein:*

- [4.](#) Deliberation Regarding Personnel Matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, pursuant to Section 551.074 of the Texas Government Code; City Manager

**OPEN SESSION**

*The City Council will now adjourn Executive Session, reconvene into Open Session pursuant to the Provisions of Chapter 551 Texas Government Code and take action, if any, on item(s) discussed during Closed Executive Session.*

- 5. Any action to Executive Session Item; Deliberation Regarding Personnel Matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, pursuant to Section 551.074 of the Texas Government Code; City Manager
- 6. Budget Workshop

**ADJOURN REGULAR SESSION**

I certify that the notice and agenda of items to be considered by the Sweeny City Council on **September 03, 2024** was posted on the City Hall bulletin board on August 30, 2024 at approximately 5:00 PM.

\_\_\_\_\_  
Kaydi Smith, City Secretary

I hereby certify that this Public Notice was removed from the City Hall bulletin board on \_\_\_\_\_, 2024 at approximately \_\_\_\_\_.

\_\_\_\_\_  
Kaydi Smith, City Secretary

Tuesday, August 27, 2024 at 6:00 PM

City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas

### MINUTES

BE IT KNOWN that the City Council of the City of Sweeny will meet in **Special Session** on **Tuesday, August 27, 2024 at 6:00 PM.** at City Hall, 102 W. Ashley Wilson Rd, Sweeny, Texas with the following agenda.

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#### CALL TO ORDER/ROLL CALL

Mayor Hopkins called the meeting to order at 6 PM. Neal Bess Jr., Reese Cook, John Rambo, and Caniel “Shaun” Massey were in attendance.

#### PLEDGES & INVOCATION

Pledges were led by Neal Bess Jr. Invocation was given by Attorney Stevenson.

#### CITIZENS WISHING TO ADDRESS CITY COUNCIL

Karen Tinnon, 1107 Estelle, approached Council regarding a reimbursement of \$16,822.00 in losses due to the City’s sewer flooding her parents’ home during Hurricane Beryl.

Susan Pollock, 1007 Mac Drive, stated she lost her home in Hurricane Beryl and wanted to publicly thank Lindsay for her help and efforts.

John Richers, West Brazos Drainage District, thanked Councilman Neal Bess for time spent during the hurricane to allow them to complete drainage work and gave comment and updates on aspects involving the City.

#### CEREMONIAL PRESENTATIONS

1. Proclamation: Patriot’s Day, September 11

Mayor Hopkins stated the proclamation will be signed and posted in the foyer of City Hall proclaiming September 11<sup>th</sup> as Patriot’s Day.

2. MLK Park Pavilion Appreciation Commendation: Phillips 66, Wayman Hutchings & Adeptability, Southeast Roofing, Shaun Massey, Neal Bess Jr., Parks & Recreation Board, & Sweeny Public Works Department
3. Employee Recognition for 10 Years of Service; Karla Wilson
4. Recognition and Presentation of Appreciation Plaque for Tim Pettigrew; Councilman from 2016 to 2024

Mayor Hopkins announced all recipients of awards and presented each with certificates for photo opportunities.

#### CONSENT AGENDA

5. Minutes: Special Session Budget Workshop, July 23, 2024; Special Session, July 23, 2024, and Special Sessions & Budget Workshops, July 30, 2024, August 06, 2024, and August 13, 2024.

John Rambo moved we approve the minutes of the Special Session Budget Workshop, July 23, 2024; Special Session, July 23, 2024, and Special Sessions & Budget Workshops, July 30, 2024, August 06, 2024, and August 13, 2024. Neal Bess Jr. seconded. All in favor. Motion carried.

6. July 2024 Financial Reports (Unaudited)

Finance Director gave Council hard copies of the General and Enterprise financial reports; included as an exhibit attached. Discussion only.

7. Public Works Department Update; Gas Compliance & Streets

Public Works Director gave an update on the Public Works Department along with Technical Advisor, David Jordan.

8. Update to City Council and general public on condition of Back Yard Park and plans to re-open park.

City Manager gave the update on Backyard Park as it is still closed and sustained substantial damage during the hurricane.

9. Update and presentation on status of grant applications and capital and special projects.

City Manager gave an update of grant applications, grants awarded, and large projects in progress.

**REGULAR AGENDA**

10. Discussion and possible action to agenda request for usage of the Gazebo Park for Halloween in the Park; Kasey Kennedy

Kasey Kennedy, Assistant Fire Chief with the Old Ocean Volunteer Fire Department, is requesting usage of the Gazebo Park on October 26, 2024 from 6-9pm for the annual Halloween in the Park previously held by Dr. Leal.

Shaun Massey motioned to allow Old Ocean Fire Department and Sweeny Fire and Rescue to use the Gazebo Park for October 26, 2024 from 6-9 p.m. for the annual Halloween in the Park. John Rambo seconded. All in favor. Motion carried.

11. Discussion and possible action on a request from donor for a variance to all building codes for the construction of a new, city-owned animal services building.

Leigh Ann Thornton expressed frustration as the amount of time and money the project is taking. She was requesting a variance from codes as engineering is costly. She has obtained donated services and those timeframes are expiring in the near future. Kacey Roman, building inspector, gave Council information on building code requirements, state law, and insurability. She suggested completing this project in phases and using the shelter as an accessory building. She additionally is willing to donate her plan review and inspection services for this project. Neal Bess Jr. directed to have the City Manager, Ms. Thornton, Kacey Roman, Fire Marshal Devin Lemon, and David Jordan to come up with a plan by next month to get the ball rolling.

12. Discussion and possible action on granting a variance Section 92.01 of the Sweeny Code of Ordinances to allow burning of debris along Stevenson Slough, the natural drainage ditch, at the Prayer Garden.

City Manager stated there are large piles of debris that is inaccessible with heavy equipment and are requesting to burn in place.

Shaun Massey motioned to approve the variance of Section 92.01 of the City's Code of Ordinances to allow burning of debris if piles are inaccessible with heavy equipment and if burning is the only way to remove the debris, staff will work with other entities to help with fire watch in conjunction with the Fire Marshal and Fire Department for a plan. Neal Bess seconded. Neal Bess Jr., Brian Brooks, John Rambo, and Shaun Massey were in favor. Reese Cook abstained. Motion carried.

13. Discussion and possible action on presentation of FY25 Sweeny Beautification budget for Council's consideration and approval.

Sanci Kennedy, Vice President, approached Council for the Sweeny Beautifications' budget.

John Rambo moved to approve the proposed Fiscal Year 25 Sweeny Beautification budget with fund balance transfer. City Manger stated the fund balance transfer has been completed and updated. Rambo stated as presented. Shaun Massey seconded. Neal Bess Jr., Brian Brooks, John Rambo, and Shaun Massey were in favor. Reese Cook abstained. Motion carried.

14. Discussion and possible action to appoint a City Official to the Fire Department Pension Board. City Secretary stated former Councilman Mark Morgan Jr. was the City Official appointed to the board previously. Fire Chief Barton has recommended Councilman Massey as the new representative. Brian Brooks stated so moved. John Rambo seconded. Neal Bess Jr., Reese Cook, Brian Brooks, and John Rambo were in favor. Shaun Massey abstained. Motion carried.

15. Discussion and possible action on request for a budget amendment to make final payment to contractor for Hurricane Beryl debris removal.

Reese Cook moved the City approve MG Services invoice, number 7765, to be funded from the General Fund Account \$69,585.02, Disaster Contingency \$106,275.82, and TxPool \$51,801.66; totaling \$227,662.50. Neal Bess Jr. seconded. All in favor. Motion carried.

Neal Bess motioned for a FY 23-24 budget amendment to add expenditure line item 50-40-6001, Debris Removal in the amount of \$341,250.00 with funds from Disaster Contingency Fund Balance of \$219,863.32, TxPool balance of \$51,801.66 and General account balance of \$69,585.02. Brian Brooks seconded. All in favor. Motion carried.

16. Discussion and possible action to terminate the disaster declaration issued July 7th, 2024 in response to Hurricane Beryl

Reese Cook moved to keep the Disaster Declaration, Resolution 21-111, in effect. Shaun Massey seconded. All in favor. Motion carried.

17. Sweeny Economic Development Corporation's Proposed FY 2024 / 2025 Budget

Devin Lemon, President, presented the budget. Finance worked with Council and determined \$3330.72 and \$3388.19 are to be removed from payroll liabilities on proposed budget.

Neal Bess Jr. moved we approve EDC budget with the corrections made tonight. John Rambo seconded.

Discussion: Brian Brooks is concerned about the SEDC budget. Feels they did a great job in the City and getting Industrial Park setup. Not much more growth in Sweeny and would like future funds of SEDC to be mainly for paying off Industrial Park and electricity and to not go towards a high employee salary, fireworks, and a city publication. Would like to see majority of sales tax dollars to pay off debt. Devin Lemon stated they have three people interested in coming.

Neal Bess Jr., John Rambo, and Shaun Massey approved. Reese Cook and Brian Brooks opposed. Motion carried.

18. Discussion and possible action on natural gas distribution system regulatory compliance.

City Manager stated the City has been fined \$4,500.00 and have presented a plan for corrections to the Railroad Commission, in which has accepted.

Neal Bess Jr. moved we pay the \$4,500.00 and follow corrective actions for compliance in the future by December 31<sup>st</sup> at 8%. Seconded by John Rambo. Neal Bess Jr., Brian Brooks, John Rambo, and Shaun Massey approved. Reese Cook opposed. Motion carried.

19. Discussion and possible action to annual interlocal agreement with Brazoria County for construction, improvement, maintenance, and/or repair of streets.

Neal Bess Jr. motioned to have the annual interlocal agreement with Brazoria County for construction, improvements, maintenance, and repair of streets. Shuan Massey seconded. All in favor. Motion carried.

20. Discussion and possible action to Resolution 24-112, designating authorized signatories for contractual documents and documents requesting funds pertaining to the CDBG-MIT General Land Office State Contract No. 22-082-007-D205.

City Manager stated this to formalize signatories in approving an amendment, removing the Assistant City Secretary and replacing with the Finance Director.

Mayor asked for a motion to make signatory changes. Brian Brooks stated so moved. Neal Bess Jr. seconded. All in favor. Motion carried.

21. Discussion and possible action on agenda request received on communication expectations between Council Members and City Manager; Councilman Brooks.

Councilman Brooks expressed concern over prior communications and wanted confirmation as to how future communication should be directed between Council members and the City Manager.

Discussion Only; No action.

22. Discussion and possible action to agenda request received to include consent agenda items, including but not limited to, Minutes, Financial Statements, Personnel Status/Vacancies, Critical Equipment Report, & Project Status Report, to City Council Agendas; Councilman Cook

Reese Cook moved we include on consent agenda of all regular Council meetings, the minutes, current financial statements, personnel status and vacancies, critical equipment report, and project status report. Shaun Massey seconded and to add in a report for backup generator for hourly activated self test. All in favor. Motion carried.

Mayor announced a two minutes recess 8:28 PM. Reconvened at 8:37 PM.

23. Discussion and possible action on tax rate proposals.

Neal Bess Jr. moved to approve setting a public hearing on the proposed tax rate of the Voter Approval property tax rate, \$0.612235 / \$100, for September 10<sup>th</sup>, 2024 at 4 p.m. at Sweeny City Hall, located at 102 W. Ashley Wilson Road, Sweeny, Texas 77480. This proposed tax rate consist of Maintenance and Operations and a debt rate consisting of \$0.077589.

Reese Cook seconded. Mayor Hopkins repeated the motion in full. Discussion: Councilman Bess asked about our next Budget Workshop. Attorney Stevenson stated we can make cuts to support going less, but we could not go more.

Voting FOR: Neal Bess Jr., Reese Cook

Voting AGAINST: Brian Brooks, John Rambo, and Shuan Massey

Mayor Hopkins was present and not voting. Motion failed.

Council continued to discuss tax rates.

Reese Cook moved to approve setting the public hearing on the proposed tax rate, exceeding the Voter Approval property tax rate, \$0.635481 / \$100, for September 10<sup>th</sup>, 2024 at 4 p.m. at Sweeny City Hall, located at 102 W. Ashley Wilson Road, Sweeny, Texas 77480. This proposed tax rate consist of Maintenance and Operations and a debt rate consisting of \$0.077589.

Brian Brooks seconded. Mayor Hopkins restated the full motion.

Voting FOR: Neal Bess Jr., Reese Cook, Brian Brooks, John Rambo

Voting AGAINST: Shaun Massey

Mayor Hopkins was present and not voting. Motion Carried.

24. Discussion and possible action to set a proposed tax rate, take a record vote of the proposed tax rate, and schedule a public hearing for proposed tax rate.

Discussed in prior.

25. Discussion and possible action to schedule a public hearing for the Fiscal Year 2024 - 2025 Annual Budget.

Reese Cook moved to schedule a public hearing for the Fiscal Year 2024/2025 annual budget for September 10, 2024 at 4 PM. Brian Brooks seconded. All in favor. Motion carried.

26. Discussion and possible action to establish the next Special Session Budget Workshop.

Shuan Massey motioned to have the special meeting for budget workshop for 09/03/2024 at 4:30 PM. John Rambo seconded. All in favor. Motion carried.

27. Discussion and possible action to procedures, establishment, and requirements of a Charter Review and Charter Review Committee.

Discussion Only.

### **EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE SECTION 551.071, 551.072 AND 551.074**

**Mayor Hopkins closed Regular Session at 9:34 PM.; opening Executive Session.**

*The City Council will now convene into executive session pursuant to the provision of Chapter 551 Texas Government Code, in accordance with the authority contained therein:*

28. Deliberation Regarding Personnel Matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, pursuant to Section 551.074 of the Texas Government Code; City Manager performance and evaluation process.

### **OPEN SESSION**

**Mayor Hopkins closed Executive Session at 11:15 PM.; Re-convening into Open Session**

*The City Council will now adjourn Executive Session, reconvene into Open Session pursuant to the Provisions of Chapter 551 Texas Government Code and take action, if any, on item(s) discussed during Closed Executive Session.*

29. Action, if any, on item discussed during Closed Executive Session pursuant to Section 551.074 of the Texas Government Code; Deliberations Regarding Personnel Matters.

John Rambo motioned to formally accept the resignation letter of Lindsay Koskiniemi, current City Manager of City of Sweeny, with the stipulation of two months pay, price of laptop, \$1,700.00, paid to her, and her vacation pay. Brian Brooks seconded. Neal Bess Jr., Brian Brooks, John Rambo, and Shaun Massey were in favor. Reese Cook Opposed. Motion carried.

### **ITEMS OF COMMUNITY INTEREST**

Neal Bess Jr. stated Beautification's farmers market is this weekend.

Reese Cook thanked Lindsay for her time here and luck in future endeavors.

John Rambo thanked Lindsay for her time.

Shaun Massey continued saying he appreciated it.

Mayor Hopkins thanked Lindsay.

### **ADJOURN REGULAR SESSION**

Mayor Hopkins adjourned the meeting at 11:19 PM.

#### *Staff or Members Present*

City Manager, Lindsay Koskiniemi

Police Chief, Brad Caudle

Director of Public Works, Terrance Bell

Finance Director / Personnel Services, Karla Wilson

City Secretary/ Developmental Services, Kaydi Smith  
Technical Advisor, David Jordan

EDC/Beautification Affiliates  
EDC President, Devin Lemon  
EDC Vice President, Jenny Massey  
Beautification's Vice President, Sancu Kennedy

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Kaydi Smith -- City Secretary





# AGENDA MEMO

## Business of the City Council City of Sweeny, Texas

|                                  |   |                     |        |
|----------------------------------|---|---------------------|--------|
| <b>Meeting Date</b>              | 09/03/2024  | <b>Agenda Items</b> |        |
| <b>Approved by City Manager</b>  |   | <b>Presenter(s)</b> |        |
| <b>Reviewed by City Attorney</b> |   | <b>Department</b>   | Grants |
| <b>Subject</b>                   | Discussion and possible action on the Pecan Street Water Line Replacement Project |                     |        |
| <b>Financial Information</b>     | Expenditure Required:   | \$263,000.00        |        |
|                                  | Amount Budgeted:  | \$0.00              |        |
|                                  | Account Number:   |                     |        |
|                                  | Additional Appropriation Required:  |                     |        |
|                                  | Additional Account Number:  |                     |        |

### Executive Summary

**Brazoria County Portion**

4/25/24—First HUD drawdown for expenses on the project (this is the date that HUD tracks before it flags a project for lack of progress) Expenses include costs associated with completing environmental review for the subject project.

**3/29/25—Deadline to either draw more funding on this project, or cancel project and return all funds to HUD. To cancel project, City will need to reimburse County \$6,985.77 by 2/28/25; to allow county to cancel project and return funds to HUD. This does not include advertisement costs associated.**

**\*\* This does not include Strands portion. This is only HUD’s portion for environmental study.**

5/31/25—End date of grant contract for subject project. If the project proceeds and draws funds by 3/29/25, this grant contract end date could be extended to allow project more time to complete if needed. If the project is cancelled prior to this date, no further action will be needed.

**Additionally, if project is cancelled and funds returned, we can work with the city and hold the \$200,000 grant open for a replacement project. The City would need to identify a project no later than June 1, 2025 to utilize this funding.**

As long as repayment is made it will not reflect negatively on the City for future applications.

**Strand Portion- Engineering Completed This Far**

Strands total billed amount for this project is \$30,000.00. We have paid \$15,300.00 previously with an invoice awaiting payment of \$8,700.00(new). There will be a remaining invoice coming in the amount of \$6,000.00 (to be billed). This does not include any advertising costs sent.

City Responsibility Total-                   \$36,985.77

Total Outstanding-                   \$21,685.77 (BC + New and To be billed Strand) + any advertising costs already completed and associated.

Bid solicitation legal advertisement was cancelled 08/29/2024; This was to run 09/03 & 09/10 and is billable to the City. We will re-run if Council chooses to continue.

### Recommended Action

Council Discretion



# AGENDA MEMO

Business of the City Council  
City of Sweeny, Texas

|   |  |                     |  |
|---|--|---------------------|--|
| <b>Meeting Date</b>                       | 09/03/2024   | <b>Agenda Items</b> |  |
| <b>Approved by City Manager</b>           |  | <b>Presenter(s)</b> |  |
| <b>Reviewed by City Attorney</b>          |  | <b>Department</b>   |  |
| <b>Subject</b>                            | Discussion and possible action to 1107 Estelle sewer issues;<br>Councilman Rambo |                     |  |
| <b>Council Strategic Goals</b>            |  |                     |  |
| <b>Attachments / Supporting documents</b> | Denial Claim   |                     |  |
| <b>Financial Information</b>              | Expenditure Required:  | N/A                 |  |
|   | Amount Budgeted:   | N/A                 |  |
|   | Account Number:  |                     |  |
|   | Additional Appropriation Required:   |                     |  |
|   | Additional Account Number:   |                     |  |

**Executive Summary**

Request stemming from visitors comments from the Council meeting held on 08/27/2024. Original insurance claim denied- attached.

**Recommended Action**

Council Discretion.



WORKERS' COMPENSATION • PROPERTY • LIABILITY

August 14, 2024

George and Lea Sewell  
1107 Estelle  
Sweeny, Tx 77480-1501

RE: Fund Member: City of Sweeny  
Claimant: George and Lea Sewell  
Date of Loss: July 08, 2024  
Claim No: [REDACTED]

Dear Mr. & Ms. Sewell:

This letter is regarding the claim made against the City of Sweeny for the above-referenced matter. There was no negligent use of motor-driven equipment by the city in this instance.

Based on the facts revealed in our investigation, we have concluded that the damages you are alleging were not caused by any wrongful act, omission or negligence on the part of the City of Sweeny or any of its employees. The City of Sweeny is legally immune from liability for the property damage claim being brought against it as afforded to the City of Sweeny by common law of Texas. Although the *Texas Tort Claims Act* waives this immunity under certain circumstances, the facts of your case and the damages which you seek do not fall under any of the waivers set forth in this *Act*. For this reason, we must respectfully deny this claim in its entirety.

Should you have any questions concerning this matter, please do not hesitate to contact me.

Sincerely,

Debbie Vasek  
Senior Claim Specialist  
Texas Municipal League Intergovernmental Risk Pool

cc: Karla Wilson  
City of Sweeny  
PO Box 248  
Sweeny, TX 77480-0248